A juſt and cleere

REFUTATION

of a falſe and ſcandalous Pamphlet,
Entituled,
Babylons fall in Maryland, &c.

AND,

A true Diſcovery of certaine ſtrange and inhumane proceedings of ſome ungratefull people in *Maryland*, towards thoſe who formerly preſerved them in time of their greateſt diſtreſſe.

To which is added a Law in *Maryland* concerning Religion, and a Declaration concerning the ſame.

By *John Langford* Gentleman, Servant to the Lord
BALTEMORE.

Hee that is firſt in his owne cauſe ſeemeth juſt, but his neighbour commeth and ſearcheth him. Prov. 18. 17.
Whoſe hatred is covered by deceit, his wickedneſſe ſhall be ſhewed before the whole Congregation. Prov. 26, 26.

London, Printed for the Author. 1655.

A juſt and cleere refutation of a falſe and ſcandalous Pamphlet, &c.

HAving lately met with a Pamphlet, entituled, *Babylons Fall in Maryland*, &c. which layes many falſe and ſcandalous aſperſions upon the Lord *Baltemore*, his Government, and Officers in *Maryland*, put forth by one *Leonard Strong* and atteſted by *William Durand*, pretending to be Secretary of that Province, It was thought fit in regard I have beene acquainted with, and imployed by my Lord *Baltemore* in his affairs relating to that Province, both heere and there, for above twenty years laſt paſt, That I ſhould publiſh this briefe Refutation therof, to undeceive ſuch as may be deluded by it.

Captaine *Stone* (who is well known to be a zealous and well affected Proteſtant) being Governour of *Maryland* under the Lord *Baltemore*, did receive and protect in *Maryland* thoſe people and their families mentioned by Mr. *Strong* when they were diſtreſſed in *Virginia*, under Sir *William Berkley*, among whom it is to be noted that Mr. *Richard Bennet* (afterwards Governour of *Virginia*) was one, and thereupon a Commiſſion was granted by *Charles Stuart* the eldeſt Son of the late King to Sir *William Davenant*, conſti-

ting him Governor of the ſaid Province, alleadging ther-in the reaſons to be, becauſe the Lord *Baltemore* did viſibly adhere to the Rebels in *England* (as he terms them in that Commiſſion) and admitted all kind of Sectaries and Schiſmaticks, and ill affected perſons into that Plantation.

Theſe people ſeated themſelves at a place by them called *Providence*, but by an Act of a Generall Aſſembly there called *Anne-Arundell* in *Mariland*, and there was nothing promiſed by my Lord or Capt. *Stone* to them, but what was performed, they were firſt acquainted by Capt. *Stone*, before they came there, with that Oath of Fidelity which was to be taken by thoſe who would have any Land there from his Lordſhip, and the Oath which was required of them to take before they could have any Patent for Land there, was ratified by an Act of a Generall Aſſembly of that Province, wherin thoſe very men had their Burgeſſes, there being an expreſſe Clauſe in it, That it ſhould not bee underſtood to infringe or prejudice Liberty of Conſcience in point of Religion, as will appear by the Oath it ſelfe, nor had they any regrett to the Oath till they were as much refreſhed with their intertainment there, as the Snake in the Fable was with the Country mans breaſt, for which ſome of them are equally thankfull

But it is now, it ſeems, thought by ſome of thoſe people too much below them to take an Oath to the Lord Proprietary of that Province, though many Proteſtants of much better quality, have taken it, and which is more then can be hoped for from ſome of theſe men) kept it.

As to the Government there, they knew it very well before they came thither, and if they had not liked it they might have forborne comming or ſtaying there, for they were

were never forced to either, the chiefe Officers under my Lord there are Proteſtants, the Juriſdiction exerciſed there by them is no other then what is warranted by his Lordſhips Patent of that Province, which gives him the power and priviledges of a Count Palatine there, depending on the Supream Authority of *England*, with power to make Lawes with the Peoples conſent, and of Martiall Law in caſes of Mutiny, Rebellion, or Sedition, without which powers and priviledges his Lordſhip would not have undertaken that Plantation, and have beene at ſo great a charge, and run ſo many hazards as he hath done for it.

There are none there ſworn to uphold Antichriſt, as Mr. *Strong* falſly ſuggeſts, nor doeth the Oath of Fidelity bind any man to maintain any other Juriſdiction or Dominion of my Lords, than what is granted by his Patent; for by expreſſe words it relates to ſuch only as are therein contained, whatſoever Mr. *Strong* ſayes to the contrary.

Though ſome of thoſe people (it ſeemes) thinke it unfit that my Lord ſhould have ſuch a juriſdiction and dominion there, (unto which he hath as good a right as Mr. *Strong* or any of thoſe people can claime to any thing they have) yet they it ſeemes by their arrogant and inſolent proceedings thinke it fit for them to exerciſe farre more abſolute Juriſdictions and Dominion there then my Lord ever did, ſuch as in truth are Arbitrary and Barbarous without any lawfull right or Authority at all, nor are they contented with freedome for themſelves of Conſcience, Perſon and Eſtate, (all which are eſtabliſht to them by Law there and injoyed by them in as ample manner as ever any people did in any place of the world) unleſſe they may have the liberty to debarr others from the like freedome, and that

they may domineere and doe what they please.

As to the pretended Commission mentioned by Mr. *Strong* from the supreame Authority of England in 1652. for reducing of *Maryland*, there was no such thing; but the ground of that pretence was this: In September 651. when the Councell of State sent Commissioners from hence; that is to say Capt. *Dennis*, Capt. *Steg*, and Capt. *Curtes*, to reduce *Virginia* to the obedience of the Parliament, the said Councell appointed a Committee of themselves for the carrying on of the affaires of the Admiralty, to give instructions to the said Commissioners for that business, and Colonell *George Thomson* being then in the Chaire of that Committee, *Maryland* was at first inserted in their instructions to bee reduced as well as *Virginia*, but the Committee being afterwards satisfied by all the Merchants that traded thither (who were engaged to assist with their ships in the reducement of *Virginia*) that *Maryland* was not in opposition to the Parliament; that Captaine *Stone* the Lord *Baltemores* Leivtenant there, was generally knowne to have beene alwayes zealously affected to the Parliament, and that divers of the Parliaments friends were by the Lord *Baltemores* especiall directions received into *Maryland*, and well treated there, when they were faine to leave *Virginia* for their good affections to the Parliament; then the said Committee thought it not fit at all to disturbe that Plantation, and therfore in the presence of many of the said Merchants, caused *Maryland* to bee struck out of the said instructions, and the Councell of State did thereupon give Licence to many Ships to trade at that time to *Maryland*, but would not permit any to goe to *Virginia*, till that Colony were reduced to obedience; all which will bee testified

teſtified by divers Merchants and others to be true.

In this expedition to *Virginia* Captaine *Denne* and Captaine *Steg* the two chiefe Commiſſioners (who were preſent when *Maryland* was ſtruck out of the ſaid Inſtructions) were caſt away outward bound; in the Admirall of that Fleet which was ſent from hence upon that ſervice, and with them the Originall Commiſſion for that ſervice was loſt.

But Capt. *Curtes* having a Coppy of the ſaid Commiſſion and Inſtructions with him in another ſhip, arrived ſafe in *Virginia*, and there being alſo nominated in the ſayd Commiſſion two other perſons reſident in *Virginia*, that is, Mr. *Richard Bennet* before mentioned, and Capt. *Cleyborne* (known and declared Enemies of the Lord *Baltemores*) they together with Capt. *Curtes* proceeded to the reducement of *Virginia*, which was effected accordingly; and Captaine *Stone* being then the Lord *Baltemores* Lieutenant of *Maryland*, did actually aſſiſt them therein. After all which, the ſayd Mr. *Bennet* and Capt. *Cleyborne* went notwithſtanding to *Maryland*, and upon pretence of a certaine Clauſe in their Inſtructions, That they ſhould reduce all the Plantations in the Bay of *Cheſeapeacke*, to the obedience of the Parliament, becauſe ſome part of *Maryland*, where the Lord *Baltemores* chiefe Colony there is ſeated, is within that Bay, aſwell as all the Plantations of *Virginia* are, they required Capt. *Stone* and the reſt of the Lord *Baltemores* Officers there, firſt to take the Engagement, which they all readily ſubſcribed, and declared, that they did in all humility ſubmit themſelves to the Government of the Common wealth of *England*, in chiefe under God: then the ſaid Commiſſioners required them to iſſue out Writs and Proceſſe out of the

Lord

Lord *Baltemores* Courts there, in the name of the Keepers of the Liberty of *England*, and not in the name of the Lord Proprietary as they were wont to doe; wherein they desired to bee excuſed, becauſe they did conceive the Parliament intended not to deveſt the Lord *Baltemore* of his right there; and that they underſtood out of England that the Councell of State intended not that any alteration ſhould bee made in *Maryland*, that the Kings name was never uſed heertofore in the ſaid Writs, but that they had alwayes beene in the name of the Lord Proprietary according to the Priviledges of his Patent, ever ſince the beginning of that Plantation. That the Act in England for changing of the formes of Writs declared onely, that in ſuch Writs and Proceſſe wherein the Kings name was formerly uſed, the Keepers of the Liberty of England ſhould for the future bee put in ſtead thereof. That the continuing of the Writs in the Lord Proprietaries name was eſſentiall to his intereſt there, and therefore they could not without breach of truſt concur to any ſuch alteration: where upon the ſaid Commiſſioners demanded of Captaine *Stone* the Lord *Baltemores* Commiſſion to him, which hee ſhewed them, and then without any other cauſe at all they detained it and remooved him, and his Lordſhips other Officers out of their employment there under him, and appointed others to mannage the Government of that Plantation independent of his Lordſhip.

By which it appears Mr. *Bennet* and Capt. *Cleyborne* took upon them an Authority much contrary to the intention of the Councell of State, and indeed contrary to common ſenſe and reaſon; for certainly if the Councell had had any cauſe to have altered their mind in that particular of *Maryland*

ryland, after they had ſtrucke it out of the ſayd Inſtructions, they would have cauſed it to have been put in againe by the ſame name, whereby their Intention might have beene cleerely underſtood; much leſſe could they have any Intention of reducing any place that was not in oppoſition againſt them, but in due obedience; ſo as if *Maryland* had been by any miſtake put in by name to be reduced, upon a ſuppoſition in the Councell that it had been in oppoſition, yet they could not in reaſon intend that in caſe their Commiſſioners had found when they came upon the place (as they did) that it was not in oppoſition, that they ſhould reduce it or prejudice any mans right upon that accompt: ſo that whatſoever was done in *Maryland* by the ſayd Mr. *Bennet*, then Governour of *Virginia*, and the other perſons Mr. *Strong* mentioneth as Commiſſioners from *England*, for reducing of *Maryland*, or their ſubordinate Officers, having no firmer foundation from hence, was done without Authority, which makes all thoſe proceedings mentioned by Mr. *Strong* of his friends and their pretended aſſembly there, illegall, mutinous, and uſurp'd, and the Lord *Baltemore* and his Officers had juſt reaſon to rectifie the ſame by all lawfull means, other then which they uſed none, when they reaſſumed the Government; for by his Lordſhips Patent he and his ſubſtitutes have power to make uſe of what force they can, to compell ſuch as ſhall unlawfully oppoſe his Government there, and by a Law made with the conſent of a generall Aſſembly of that Province, wherein the ſayd people above mentioned had alſo their Burgeſſes, it was enacted that ſuch as ſhould by force of Armes oppoſe the Government there under the Lord Proprietary, or attempt the diſinheriſon or diſpoſſeſſing him (as thoſe peo-

ple did before Capt. *Stone* attempted any force upon them) of his rights or Jurisdiction there, according to his Patent, should be punished with Death and confiscation of their Estates, as is usuall and necessary in the like cases to be done in all such Governments whatsoever; though no such severity is ever put in execution there, but when all fair and gentle means, being first tried to reduce such people to obedience will not prevail.

Moreover that pretended authority of the said Commissioners for reducing of *Maryland*, was urged heere in *England* by Colonell *Mathews*, Agent for the sayd Mr *Bennet*, and the Colonie of *Virginia*, when his Petition was debated before the Committee of Petitions of the late Parliament which began in *July* 1653. and was by that Committee dismissed, and yet notwithstanding after the sayd dismission and Dissolution of that Parliament, the sayd Mr. *Bennet* and Capt. *Cleyborne* did again in *July* 1654. come into *Maryland*, and with the assistance of some of the people above mentioned, by force of Armes turned out Capt. *Stone*, and the Lord *Baltemores* other Officers, and put others in their roomes by what Authority no man knowes; for although they had had as they pretended an Authority (which in truth they had not) from the Parliament which was dissolved in *April* 1653. to do what they did in *Maryland* in 1652 according to Mr. *Strongs* relation, yet after the Dissolution of that Parliament the Authority from it ceased, so as all proceedings in prosecution thereof afterwards was unwarrantable, unless that Authority which they pretended had been given them by an Act or Ordinance of Parliament for a certain time then not expired, or confirmed by the succeeding supream Authority heer, which it was not.

And

And although Mr. *Strang* ſhelter moſt of the bloudy actions done by thoſe who imploy him hither, under pretence that the Governement, the Counſellors and Officers in *Maryland* were Popiſh, and therefore there muſt needs be ſome deſigne to extirpate thoſe of another Judgement, yet he doth not (becauſe indeed he cannot) make appeare any diſturbance given by the Lord *Baltemores* Government, to any perſon there for matter of Religion, but contrariwiſe it is well known that no Nation affords better Lawes to prevent any difference ariſing upon that Accompt, nor more freedome of Conſcience then that Government doth, as the moſt conſiderable Proteſtants in that Province have atteſted by an Inſtrument under their hands, unto which the ſayd Mr. *Durand* (atteſtor of the aforeſayd Pamphlet) hath alſo ſubſcribed his name, wherein they doe alſo acknowledge that the ſayd freedome is provided for not only by the ſayd Lawes there, with his Lordſhips aſſent unto them, but by ſeverall other ſtrict Injunctions and Declarations of his Lordſhips for that purpoſe.

There are aſwell affected Councellors and Officers to his Highneſſe and this Government imployed and intruſted by the Lord *Baltemore* in *Maryland* as any that oppoſe his Lordſhip there. And his Highneſſe was by Capt. *Stone* cauſed to be publikely and in a ſolemn maner proclaymed there as Soveraign Lord of that place.

As for the late unhappy conteſts there which (as Mr. *Strong* ſaith) were deſired by thoſe people above mentioned to be compoſed in an amicable way, how doth that agree with their turning Captaine *Stone* out of his Governement in July 1654. by force of Armes, and ferrying their

men ouer the River towards Capt. *Stone* in the laſt conflict, and the ſhooting of Ordnance from Capt. *Hemans* ſhip at Capt. *Stone*, and the blocking up of Capt. *Stones* Boats by a Barque with two peeces of Ordnance (as Mr. *Strong* confeſſeth they did before any hoſtile attempt made by Captain *Stone* upon them) which forced Capt. *Stone* to engage with them in his own defence. As to Capt. *Stones* taking away the Records and Arms from thoſe of *Patuxent*, if he did ſo, it was but what every diſcreet man ought to have done in the like caſe, they having been Actors in diſplacing him as formerly; and leſt in his abſence they ſhould attempt upon the Colony behind him; but Mr. *Strong* I ſuppoſe is the more impudent in alleadging untruths, and indeavouring to ſmother under them the barbarous and bloudy actions of thoſe people, becauſe he knows that they have taken order to hinder what they can, all perſons & Letters which may come from thence hither, and have impoſed Oaths upon all thoſe of concernment whom they had in their cuſtody, that they neither ſhould endevour to com over into *England*, nor write any Letters or Petitions into *England*, to manifeſt to his Highneſs the truth of their proceedings in *Maryland*, which will reflect upon Mr. *Strong* as much as any one elſe; nevertheleſs providence, notwithſtanding all their diligence to the contrary, hath brought ſome Letters and Perſons lately over from thence, which much contradict Mr. *Strongs* Relation of the laſt conteſts there, *viz.* a Letter from Mr. *Luke Barber* to his Highneſs the Lord Protector, which the ſayd Mr. *Barber* wrote when he thought he ſhould not have been able to have got away from thence, the people above mentioned having detained him aſwell as others, but afterwards

terwards finding means to come hither himself in the same ship wherein hee intended to have sent that Letter, hee thought fit in stead therof to declare by word of mouth to his Highness what was therein contayned, a Copy of which Letter subscribed by the said Mr. *Barber* is hereunto annexed, and he will affirm the contents therof upon Oath to be true. Another is a Letter from Captain *Stones* Wife (hee being a Prisoner, and not suffered to write himselfe) to my Lord *Baltemore*, a Copy whereof is also hereunto anexed: by both which it appears cleerly that Mr. *Strong* hath omitted to mention the putting to death of fowr of Captain *Stones* party by the people above mentioned, in cold bloud, severall dayes after the fight, and hath very falsly related Capt. *Stones* and the Lord *Baltemores* other Officers proceedings in that last contest aswell in relation to his Highness, as to those people above mentioned; wherfore for the present I shall refer the Reader to the said Letters for satisfaction therin, till further proofe bee made thereof in such a way as his Highness shall please to direct; whereupon my Lord *Baltemore* doubts not but his Highness will be pleased to do him and his Officers in *Maryland* right, and to call those to a strict accompt who were actors in the horrid murthers aforesaid: for certainly that pretence of theirs of acting what they did (as Mr. *Strong* sayes) in his Highness name, will not excuse them; no man I conceive doubting but that whosoever shall presume to put any man to death in his Highness name, without any lawfull Authority from him, doth put a great dishonour upon his Highnesse, and not mitigate but aggravate the crime of murther in so doing.

And laſtly, though it be a good thing to ſing prayſes and give thankes to God as Mr. *Strong* doth at the end of his Pamphlet, ſo tis a good thing to know God is not mocked, but will render unto every man according to his actions, and vindicate the innocent.

The

The Coppy of a Letter intended for his Highneſſe.

May it pleaſe your Highneſſe:

HAving formerly had the honour to relate to your Highnes not only in your Army, but alſo as a domeſtick ſervant, I humbly thought it my duty to give your Highneſs a true relation of the late diſaſter of this Country, which although it bee not a place any way conſiderable or worth your Highneſs trouble, yet when I conſider the great care and pains your Highneſs hath formerly taken both below your ſelfe, and almoſt incredible to thoſe that have not been eye-witneſſes of them, for the true ſetling of Government, and avoyding the needleſs ſhedding of bloud, it gives encouragement to my pen, and aſſures me that the ſcore upon which I write, will obtain a pardon of your Highneſs for my preſumption, it being humbly and in the name of that great God (whom I know had not your Highneſs feared would never have ſo palpably helpt your Highneſs in your greateſt neceſſity, and fought your Battels) to beg a boon which will I doubt not, abſolutely end the needleſs ſhedding of bloud in this part of the World, in regard now both parties pretend to fight for your Highneſs: My Lord, my humble Petition to your Highneſs is, that your Highneſs would be pleaſed graciouſly to condeſcend ſo low as to ſettle the Country, ſo as wee may heere underſtand the abſolute pleaſure and determinate will of your Highneſs therein,

therein the diſobeyers of which cannot after your Highneſſe known pleaſure but in a moment periſh, and the reſt live ſecure and happie. My Lord I am an abſolute ſtranger heere as yet having not beene a month in the Countrie, in which time this unfortunate action fell out, ſo much the ſadder, in regard of the common enemie the Indian *who ever takes advantage by our inteſtine troubles being both cruel and potent, & therfore I hope will be a motive to further the charitable condeſcending of your Highneſſe for ſetling the Country. My Lord having had a very tedious paſſage being neceſſitated to ſtay above two months in Bermudas & above one month in Virginia, ſo that I was above halfe a yeare from the time that I came out of England to my arivall in Maryland, at which arival I found the Country in a great diſturbance, the Governour* Captain Stone *being ready to march with his Army (which heere is conſiderable if it conſiſt of 200 men) againſt a partie of men at a place called* Anne-Arundel *who the yeer before (pretending a power from your Highneſſe as alſo that your Highneſſe had taken the Lord* Baltemores *Country from him) bred a great diſturbance in the Countrey, and withall tocke away the Governours Commiſſion from him, which Governour being ſince informed by a Gentleman by name Mr.* Elkonhead *(one that came out of England 2 or 3 Months after me) that the Lord* Baltemore *kept his Patent, and that your Highneſſe had neither taken the Lord* Baltemores *Patent from him nor his Land, hee thought hee might act by the contents of his former Commiſſion from the Lord* Baltemore *and accordingly went up to reduce thoſe people to the Lord* Baltemores *Government, but ſtill under your Highneſs command, as formerly under the Kings, having beer in the Country before I came firſt ſolemnly proclaymed your Highneſs, as alſo in all Proclamations and publick Edicts ending with* God preſerve the Lord Protector, and the Lord Proprietary. *Now going up to reduce theſe people, if poſſible*

by

by faire meanes, a Declaration to which purpose the Governour desiring me to bear him company the march, I got leave to carry to them, in the end of which the Governour did protest, as in the presence of Almighty God, that he came not in a hostile way to do them any hurt, but sought all meanes possible to reclaime them by faire meanes; and to my knowledge at the sending out of Parties (as occasion served) he gave strict command, that if they met any of the Anne-Arundell men they should not fire the first Gun, nor upon paine of death plunder any: these were his actings to my knowledge upon the march; but comming neerer to them, there was a Ship a Merchant man called the Golden Lion, one Hemans Commander, and as appeares hired by them, having since received his reward of them, who seeing the Governour land his men under the command of his ship, shot at them as they landed over night, and the next morning continuing his course (as I am credibly informed) kild one of the Governours men, and so began the war which after fell out, for the Anne-Arundell men comming suddenly upon them on the one side, and the Golden Lyon being on the other side, they being in a neck of Land invironed round with water except one little place by which the Anne-Arundel men came in upon them, where after a skirmish the Governour upon quarter given him and all his company in the field, yielded to be taken Prisoners, but two or three dayes after the Victors condemned ten to death, and executed fowre, and had executed all had not the incessant Petitioning and begging of some good women sav'd some, and the souldiers others; the Governour himselfe being condemn'd by them and since begd by the Souldiers, some being sav'd just as they were leading out to execution, and since fall a sequestring their Estates, and taking away what they have as if they were meere Malignants, and had fought directly against your Highnesse, in which I cannot

but speake my conſcience, knowing that at their firſt ſetting out the generall cry was that they went to reduce the Country and bring it under the obedience of your Highneſſe and the Lord Proprietary, as alſo the Governour who proteſted to me before he went out, that had he not been very credibly informed that your Highneſſe had not taken away the Lord Baltemores *Patent, nor his Land as the* Anne-Arundel *men pretended, he would not ſtirre in the buſineſſe. My Lord, the reaſon why I take upon me to give your Highneſſe an account of this action is nothing but out of my duty to your Highneſſe to give a true and impartiall account of the proceedings heere, in regard they ſtill keepe the Governour and moſt of the Councell Priſoners, as alſo all the chiefe Officers till all the ſhipping is already gone out of the Country except one, and all that is gone I heare for certain none of them ſhall be releaſt, by which meanes they are not onely debard from comming for England (as ſome deſired to anſwer for what they had done before your Highneſſe, and were denied it) but are likewiſe hindred from writting their grievances, as not being ſuffered to write to their own Wives, but their Letters are broke open, ſo that I cannot but thinke my ſelfe bound in conſcience to declare the truth, as alſo to remaine ſo long as I poſſeſſe a being in this world,*

My Lord,

Your Highneſſe moſt obedient and ever

Loyall Subject

L. Barber.

Maryland this 13. of
April, 1655.

For the Right Honourable the Lord *BALTEMORE*, theſe preſent.

Right Honourable:

I Am ſorry at preſent for to let your Honour underſtand of our ſad condition, in your Province. So it is, that my Husband, with the reſt of your Councell, went about a month agone with a party of men up to *Anne-Arundell* County, to bring thoſe factious people to obedience under your Government. My Husband ſent Dr. *Barber* with one Mr. *Courſey* with a Meſſage to them, but they never returned againe before the fight began. Alſo he ſent one Mr. *Packer* the day after, with a Meſſage, and he likewiſe never returned, as I heard: but ſo it is, that upon Sunday the 25. of March, they did ingage with the people of *Anne-Arundell*, and I loſt the field, and not above five of our men eſcaped; which I did conceive ranne away before the fight was ended; the reſt all taken, ſome killed and wounded; my Husband hath received a wound in his ſhoulder, but I heare it is upon the

mending. My Husband, I am confident, did not thinke that they would have engaged, but it did proove too true to all our great damages; They, as I heare, being better provided then my Husband did expect; for they hired the Captain of the *Golden Lion*, a great ship of burden, the Captains name is *Roger Hemans*, a yong man, and his Brother, who have beene great sticklers in the businesse as I hear, Captaine *Heman* was one of their Councell of War, and by his consent would have had all the Prisoners hanged; but after Quarter given, they tried all your Councellors by a Councell of Warre, and Sentence was passed upon my Husband to be shot to death, but was after saved by the Enemies owne Souldiers, and so the rest of the Councellors were saved by the Petitions of the Women, with some other friends which they found there; onely Master *William Eltonhead* was shot to death, whose death I much lament, being shot in cold bloud; and also Lieverenant *William Lewis*, with one Mr. *Leggat*, and a Germane, which did live with Mr. *Eltonhead*, which by all Relations that ever I did heare of, the like barbarous act was never done amongst Christians. They have Sequestred my Husbands Estate, only they say they will allow a maintenance for me and my Children, which I doe beleeve will bee but small. They keep my Husband, with the rest of the Councell, and all other Officers, still Prisoners: I am very suddenly, God willing, bound up to see my Husband, they will not so much as suffer him to write a Letter unto mee, but they will have the perusall of what hee writes. Captaine *Tylman* and his Mate Master *Cook* are very honest men, and doe stand up much for your Honour; they will informe

you

you of more paſſages then I can remember at the preſent; and I hope my Brother will be downe before Captain *Tyl-man* goes away, and will write to you more at large; for he is bound up this day for to ſee his Brother, if they doe not detain him there as well as the reſt; the occaſion I conceive of their detainment there is, becauſe they ſhould not goe home, to informe your Honour of the truth of the buſineſſe before they make their owne tale in England, which let them doe their worſt, which I do not queſtion but your will vindicate my Husbands honour which hath ventured Life and Eſtate to keep your due heere, which by force he hath loſt. And they give out words, that they have won the Country by the ſword, and by it they will keepe the ſame, let my Lord Protector ſend in what Writing hee pleaſeth. The Gunners Mate of *Hemans*, ſince his comming down from *Anne-Arundell* to *Patuxent*, hath boaſted that he ſhot the firſt man that was ſhot of our Party. All this I write is very true, which I thought good to informe your Lordſhip, becauſe they will not ſuffer my Husband for to write himſelfe: I hope your Honour will be pleaſed for to looke upon my Sonne, and for to wiſh him for to be of good comfort, and not for to take our afflictions to heart. And nothing elſe at preſent, I reſt

Your Honours moſt humble

Servant,

Virlinda Stone.

Poſt-ſcript.

I hope your Honour will favour me ſo much, that if my Sonne wants twenty or thirty pounds you will let him have it, and it ſhall be payd your Honour againe.

Hemans the Maſter of the *Golden Lion* is a very Knave, and that will be made plainly for to appeare to your Lordſhip, for he hath abuſed my Husband moſt groſly.

A true Copy of the Oath of *Fidelity* to the Lord Proprietary of the Province of *MARYLAND.*

I A. B. *Doe ſweare that* I *will be true and faithfull (ſo long as* I *ſhall be a member of this Province) to the Right Hon.* CÆCILIUS, *Lord Baron of* Baltemore, *Lord and Proprietary of this Province of* Maryland, *and the Iſlands therunto belonging, & to his Heyres Lords and Proprietaries of the ſame, and to his Lievetenant or Chiefe Governour heer for the time being: And will not at any time by words or actions in publique or in private, wittingly or willingly, to the beſt of my underſtanding, any way derogate from, but will at all times, as occaſion ſhall require, to the utmoſt of my power, defend and maintain all ſuch his ſayd Lordſhips and his Heyres juſt and lawfull Right, Title, Intereſt, Priviledges, Iuriſdictions, Freroga-*

Prerogative, Propriety and Dominion, over and in the ſayd Province and Iſlands thereunto belonging, and over the people who are or ſhall be therein for the time being, as are granted to his ſayd Lordſhip and his Heyres by the late King of England *in his ſayd Lordſhips Patent of the ſayd Province under the Great Seale of* England, *not any wiſe underſtood to infringe or prejudice Liberty of Conſcience in point of Religion; And I do alſo ſweare that I will with all expedition diſcover to his Lordſhip or to his Lieutenant or other Chiefe Governour of the ſayd Province for the time being, and alſo uſe my beſt endevour to prevent any Plot, Conſpiracy, or Combination, which I ſhall know, or have juſt cauſe to ſuſpect, is or ſhall be intended againſt the perſon of his ſayd Lordſhip, or which ſhall tend any way to the diſinheriſon or deprivation of his ſayd Lordſhip or his Heyres their Right, Title, Juriſdiction and Dominion aforeſayd, or any part thereof; And I doe ſweare that I will not either by myſelf or by any other perſon or perſons, directly or indirectly take, accept, receive, purchaſe or poſſeſſe any Lands, Tenements, or Hereditaments within the ſayd Province of* Maryland, *or the Iſlands thereunto belonging from any* Indian *or* Indians *to any other uſe or uſes but to the uſe of his ſaid Lordſhip, and his Heires Lords and Proprietaries*

etaries of this Province, or knowingly from any other person or persons not deriving a legall Title thereunto, by, from, or under some grant from his said Lordship or his Heires Lords and Proprietaries of this Province legally passed or to be passed under his or their great Seale of the said Province for the time being.

So help me God &c.

THis Oath was appointed by my Lord to be taken by every one who had any Land granted to him in *Maryland* from his Lordship before any Patent thereof should passe the Seale to him; and it was also appointed to be taken by a law made in *Maryland* in *An.* 1649. with the consent of the Protestāts as wel as the Roman Catholiks there, by every inhabitant above the age of sixteene yeeres, upon paine of Banishment in case of refusal, and of fine in case of return and a second refusall; but it was never yet imposed upon any, nor any ever yet banished or fined for refusal of it, onely they could have no land granted them from his Lordship, unlesse they tooke it; nor was there any other Oath appointed to bee taken upon any penalty whatsoever. But there was another Oath appointed for the Governour and Councell onely in *Maryland* to take, which have these clauses among others in them (*viz.*) That they shall not accept or execute any Place, Office, or Imployment in *Maryland*

land, relating to the Government thereof from any Person or Authority, but from the Lord *Baltemore* or his Heires: and another Clause (*viz*) that they shall not directly or indirectly, trouble, molest, or discountenance, any person whatsoever in the said Province, professing to believe in JESUS CHRIST, and in particular no Roman Catholick, for or in respect of his or her Religion, nor in his or her free exercise thereof within the said Province. But this Oath was never imposed upon any body, nor any penalty appointed for the refusall thereof; for it was free for any man, if hee did not like the Oath not to accept of the place of Governour, or one of the Councel there; & this last mentioned Oath of the Governour and Councel was appointed in the life time of the late King. The Lord *Baltemore* conceiving it lawfull and justifiable by his Patent to require such an Oath from such as hee should imploy in Offices of so great trust in so remote a place; for although by his Patent the sovereign Dominion of that Province bee reserved to the late King, his Heirs, and Successors, yet the immediate and subordinate authority of the Government therof is granted to his Lorship & his Heyres, so as no man ought to act therein but by authority derived from him. And hee appointed this Oath to be taken by the aforesayd Officers, when he made Capt. *Stone* Governour, and Mr. *Tho. Hatton* Secretary, and others of his Councell there who being of different Judgement in Religion from himselfe, his Lordship thought it but reasonable and fit that as he did oblige them by Oath not to disturbe any there who professed to beleeve in Jesus Christ, so to expresse the Roman Catholickes in particular, who were of his own judgement in matter of Religion.

A.

A true Copy of a Law made in *Maryland*, Entituled,

An Act concerning Religion.

FOraſmuch as in a well Governed and Chriſtian Common-wealth, matters concerning Religion and the Honour of God ought in the firſt place to bee taken into ſericus conſideration and indevoured to be ſetled. Bee it therefore Ordayned and Enacted by the Right Honourable CÆCILIUS Lord Baron of *Baltemore*, *abſolute Lord and Proprietary of this Province, with the Advice and Conſent of the Upper and Lower Houſe of this Generall Aſſembly, that whatſoever Perſon or Perſons within this Province and the Iſlands thereunto belonging, ſhall from henceforth Blaſpheame GOD, that is curſe him, or ſhall deny our Saviour JESUS CHRIST to bee the Son of God, or ſhall deny the Holy Trinity, the Father, Son, and Holy Ghoſt, or the Godhead of any of the ſayd Three Perſons of the Trinity, or the Unity of the Godhead, or ſhall uſe or utter any reproachfull ſpeeches, words, or language, concerning the Holy Trinity, or any of the ſayd three P rſons thereof, ſhal

*This Title is given his Lordſhip in his Patent of Maryland

be punished with death, and confiscation or forfeiture of all his or her Land and Goods to the Lord Proprietary and his Heires. And bee it also Enacted by the Authority and with the advice and assent aforesaid, That whatsoever Person or Persons shall from henceforth use or utter any reproachfull words or speeches concerning the Blessed Virgin *MARY*, the Mother of our Saviour, or the holy Apostles or Evangelists, or any of them, shall in such case for the first Offence forfeit to the sayd Lord Proprietary and his heires Lords and Proprietaries of this Province, the sum of 5 l. sterling, or the value thereof, to bee levied on the goods and chattells of every such person so offending; but in case such offender or offenders shall not then have goods and chattels sufficient for the satisfying of such forfeiture, or that the same be not otherwise speedily satisfied, that then such offender or offenders shall be publikely whipt, and bee imprisoned during the pleasure of the Lord Proprietary, or the Lievetenant or Chiefe Governour of this Province for the time being; and that every such offender and offenders for every second offence shall forfeit 10 l. sterling, or the value therof to be levied as aforesayd, or in case such offender or offenders shall not then have goods and chattells within this Province sufficient for that purpose, then to be publikely and severely whipt and imprisoned as before is expressed. And that every person or persons before mentioned, offending herein the third time, shall for such third offence, forfeit all his lands and goods and be for ever banisht and expelled out of this Province. And be it also further Enacted by the same authority, advice, and assent, that whatsoever person or persons shall from henceforth upon any occasion of offence or otherwise in a reproachfull maner or way, declare,

declare, call or denominate, any person or persons whatsoever, inhabiting, residing, trafficking, trading, or commercing, within this Province, or within any the Ports, Harbors, Creeks or Havens to the same belonging, an Heretick, Schismatick, Idolater, Puritan, Presbyterian, Independent, Popish Priest, Jesuit, Jesuited Papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist, or other name or terme in a reproachfull maner relating to matter of Religion, shall for every such offence forfeit and lose the sum of 10s. sterling or the value therof to be levied on the goods and Chattels of every such offender and offenders, the one halfe thereof to be forfeited and payd unto the person and persons of whom such reproachfull words are or shall bee spoken or uttered, and the other halfe thereof to the Lord Proprietary and his Heirs, Lords and Proprietaries of this Province; But if such person or persons who shall at any time utter or speak any such reproachfull words or language, shall not have goods or chattells sufficient and overt within this Province to bee taken to satisfie the penalty aforesayd, or that the same bee not otherwise speedily satisfied, that then the person and persons so offending shal be publikely whipt, and shall suffer imprisonment without Bayle or Mainprise untill he, she, or they, respectively shall satisfie the party offended or grieved by such reproachfull language, by asking him or her respectively forgivenes publikely for such his offence before the Magistrate or chiefe Officer or Officers of the Towne or Place where such offence shall bee given. And be it further likewise Enacted by the authority and consent aforesayd, that every person and persons within this Province, that shall at any time hereafter prophane the Sabboth or Lords day called Sunday, by frequent swearing,

ing, drunkenneſſe, or by any uncivill or diſorderly Recreation, or by working on that day, when abſolute neceſſity doth not require, ſhall for every ſuch firſt offence forfet 2s. 6d. ſterling or the value therof; and for the ſecond offence 5s. ſterling or the value thereof; and for the third offence and for every time he ſhall offend in like maner afterwards 10s. ſterling or the value therof; and in caſe ſuch offender or offenders ſhall not have ſufficient goods or chattells within this Province to ſatisfie any of the aforeſayd penalties reſpectively heereby impoſed for prophaning the Sabaoth or Lords day called Sunday as aforeſaid, then in every ſuch Caſe the party ſo offending ſhall for the firſt and ſecond offence in that kind be impriſoned till hee or ſhe ſhall publikely in open Court before the chief Commander, Judge, or Magiſtrate of that County, Towne, or Precinct wherein ſuch offence ſhall be committed, acknowledge the ſcandall and offence hee hath in that reſpect given, againſt God, and the good and civill Government of this Province: And for the third offence and for every time after ſhall alſo be publikely whipt. And wheras the inforcing of the Conſcience in matter of Religion hath frequently fallen out to bee of dangerous Conſequence in thoſe Commonwealths where it hath beene practiſed, and for the more quiet and peaceable Government of this Province, and the better to preſerve mutuall love and unity amongſt the Inhabitants here, Bee it therefore alſo by the Lord Proprietary with the advice and aſſent of this Aſſembly, Ordained and Enacted, except as in this preſent Act is before declared and ſet forth, that no perſon or perſons whatſoever within this Province or the Iſlands, Ports, Harbors, Creeks, or Havens thereunto belonging, profeſſing to beleeve in Jeſus Chriſt, ſhall from henceforth be any waies troubled

troubled, moleſted, or diſcountenanced, for or in reſpect of his or her Religion, nor in the free Exerciſe thereof within this Province or the Iſlands thereunto belonging, nor any way compelled to the beleefe or exerciſe of any other Religion againſt his or her conſent, ſo as they be not unfaithful to the Lord Proprietary, or moleſt or conſpire againſt the civill Government, eſtabliſhed or to be eſtabliſhed in this Province under him and his Heyres. And that all and every perſon and perſons that ſhall preſume contrary to this Act and the true intent and meaning thereof, directly or indirectly, eyther in perſon or eſtate, wilfully to wrong, diſturbe, or trouble, or moleſt any perſon or perſons whatſoever within this Province, profeſſing to beleeve in Jeſus Chriſt, for or in reſpect of his or her Religion, or the free Exerciſe therof within this Province, otherwiſe then is provided for in this Act, That ſuch perſon or perſons ſo offending ſhall be compelled to pay treble damages to the party ſo wronged or moleſted, and for every ſuch offence ſhall alſo forfeit 20s. ſterling in Money or the value thereof, half thereof for the uſe of the Lord Proprietary and his Heires Lords and Proprietaries of this Province, and the other halfe thereof for the uſe of the partie ſo wronged or moleſted as aforeſayd; or if the party ſo offending as aforeſayd, ſhall refuſe or bee unable to recompence the party ſo wronged or to ſatisfie ſuch fine or forfeiture, then ſuch offender ſhall be ſeverely puniſhed by publike whipping and impriſonment during the pleaſure of the Lord Proprietary or his Lievtenant or chiefe Governour of this Province for the time being, without Bayle or Mainpriſe. And be it further Ilo Enacted by the authority and conſent aforeſayd, that the Sheriffe or other Officer or Officers from time to time

time to be appointed and authoriſed for that purpoſe of the County, Town, or Precinct where every particular offence in this preſent Act contained, ſhall happen at any time to be committed, and whereupon there is heerby a forfeiture, fine, or penalty impoſed, ſhall from time to time diſtrain, and ſeiſe the goods and eſtate of every ſuch perſon ſo offending as aforeſayd againſt this preſent Act or any part therof, and ſell the ſame or any part therof, for the full ſatisfaction of ſuch forfeiture, fine, or penalty as aforeſayd, reſtoring to the Party ſo offending, the Remainder or overplus of the ſayd goods or eſtate, after ſuch ſatisfaction ſo made as aforeſayd.

This Act was paſſed by a Generall Aſſembly in *Maryland* in April 1649. and aſſented unto by the Lord *Baltemore* in 1650. and the intent of it being to prevent any diſguſts between thoſe of different judgements in Religion there, it was thought neceſſary to inſert that clauſe in it concerning the Virgin *Mary*, of whom ſome, otherwiſe might perhaps ſpeake reproachfully, to the offence of others. And in the time of the long Parliament when the differences between the Lord *Baltemore*, and Colonell *Samuel Matthews*, as Agent for the Colony of *Virginia* were depending before a Committee of that Parliament for the Navy, that Clauſe in the ſayd Law concerning the Virgin *Mary*, was at that Committee objected as an exception againſt his Lordſhip; whereupon a worthy Member of the ſayd Committee ſtood up and ſayd, that he wondered that any ſuch exception ſhould be taken againſt his Lordſhip; for (ſayes hee) doth not the
Lu. 1. 48 Scripture ſay, that all Generations ſhall call her bleſſed? and the Committee inſiſted no more on that exception.

The

THE *Declaration and Certificate of* William Stone *Eſquire, Lievtenant of the Province of* Maryland, *by Commiſſion from the Right Honourable the Lord* Baltemore, *Lord Proprietary thereof, and of Captaine* John Price, *Mr.* Thomas Hatton, *and Captain* Robert Vaughan *of his ſayd Lordſhips Counſell there, and of divers of the Burgeſſes now met in an Aſſembly there, and other Proteſtant Inhabitants of the ſayd Province, made the 17. day of April,* Anno Dom. *one thouſand ſix hundred and fifty.*

WE the ſayd Lievtenant, Councell, Burgeſſes, and other Proteſtant Inhabitants above mentioned, whoſe names are heerunto ſubſcribed, doe declare and certifie to all perſons whom it may concerne, That according to an Act of Aſſembly heer, and ſeverall other ſtrict Injunctions and Declarations by his ſayd Lordſhip for that purpoſe made and provided, we doe heere enjoy all fitting and convenient freedome and liberty in the exerciſe of our Religion under his ſayd Lordſhips Government & Intereſt; And that none of us are any wayes troubled or moleſted, for or by reaſon thereof within this his Lordſhips ſayd Province.

William Stone Governour.
Jo. Price
Robert Vaughan } Councell.
Tho. Hatton

James Cox
Tho. Steerman
John Hatche
George Puddington } Burgeſſes.
Robert Robines
Walter Bain
William Brough
Francis Poſey

Note that *James Cox* and *George Puddington* were then Burgeſſes for the people at *Anne-Arundell*.

* *William Durand*
Anthony Rawlins
Thomas Maydwell
Marke Blomefield
Thomas Buſhell
William Hungerford
William Stumpſon
Thomas Dinyard
John Grinſdith
William Edwin
Richard Browne
Stanhop Roberts
William Browne
John Halſehead
William Hardwich
Elias Beech

* Note that this is the ſame man who atteſts Mr. *Strongs* Pamphlet before mentioned.

George Sawyer
William Edis
John Gage
Robert Ward
William Marſhall
Richard Smith
Arthur Turner
William Pell
William Warren
Edward Williams

Raph

Raph Beane
John Slingsby
James Morphew
Francis Martin
John Walker
William Hawley
william Smoot
John Sturman
John Nichols

Hugh Crage
George whitacre
Daniel Clocker
John Perin
Patrick Forreſt
George Beckwith
Thomas Warr
Walter Waterling.